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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/050,034	01/17/2002	Jan Simal	449122020600	1197

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MORRISON & FOERSTER LLP  
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MCLEAN, VA 22102

EXAMINER
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THIER, MICHAEL

ART UNIT	PAPER NUMBER
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2617

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/29/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/050,034	<b>Applicant(s)</b> SIMAL, JAN	
	<b>Examiner</b> Michael T. Thier	<b>Art Unit</b> 2617	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 06 November 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 11/6/2006 has been entered.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 6-9, 14-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Swale et al (5,822,411) in view of Granberg (6,195,543).

**Regarding claims 1 and 9.** Swale teaches a system and method for providing call charge information in a telecommunication link between a calling subscriber (party A, fig. 3) and a called subscriber (party B, fig. 3), comprising a first terminal connected to a first local telecommunication exchange (party A connects to LEC A, fig. 3); and a second terminal connected to a second local telecommunication exchange (party B connects to LEC B, fig. 3), wherein call charges arising for the telecommunication link are determined in the first telecommunication exchange and corresponding call charge

information is sent as message to the second telecommunication exchange such that the call charge information is configured for use in real time charging while the telecommunication link is in existence (col. 5, ln. 28 to col. 6, ln. 40; figs. 2-3). Swale teaches: Steps 154, 156: exchange A responds to the acceptance by instructing exchange B to set up its own Call Detail Record for the call, naming party B as the calling party: this signal [i.e., the instructing signal from exchange A] will contain the necessary number, charge band and timing details as exchange B will not previously have recorded such information. Exchange B then reacts by creating the Call Detail Record in its own store 13. (Alternatively, if the network is set up to permit an exchange to create charges for other exchanges, exchange A could set up the new record, as in the case of FIG. 2). Exchange B only stores the CDR in its own storage 13. However, the charge band (i.e. which reads on call charge information) is sent from exchange A, as indicated in the cited portion above. The examiner is asserting that the instruction signal from exchange A to exchange B contains the necessary information to create the Call Detail Record, which information comprises of the necessary number, **charge band**, and timing details (this reads on the call charge information sent as messages). This charge band information clearly reads on "call charge information" as cited in the claims, and this information is sent to the second exchange, as also recited in the claims. Therefore, the call detail record is created based on this call charge information sent from the first exchange to the second. Therefore, the Swale reference clearly shows that call charge information (i.e. the necessary number, charge band, and timing details) is sent as a message to the second exchange in real time (which is clear from

the Swale reference since it happens while the call is in existence, i.e. real time, which shows the real time information offered to the called subscriber.) Swale further teaches (from claim 9) the ideas of sending an acknowledgement signal for the acceptance of call charges by the called subscriber in column 6 lines 13-20, and terminating the link based on the call charge information in column 5 lines 60-62 and column 3 lines 18-24.

However, Swale does not specifically disclose that the call charge information is for use in real time *charging* and the use of an Advice of Charge (AoC).

Granberg teaches the use of the well-known Advice of Charge (AoC, column(s) 3, line(s) 35 through column(s) 4, line(s) 15) for the purpose of providing AoC service efficiently to mobile subscribers (column(s) 3, line(s) 29-34). He further discloses the idea of call charge information being used in real time charging in column 3 lines 39-46. see where it is explained that the AoC parameters are determined and sent to the node currently serving the mobile. The mobile then receives the AoC parameters from the node and a cost for the call is displayed to the mobile subscriber. This all happens while the call is in place, thus the call charge information is used in real time charging.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Granberg into the teachings of Swale. The motivation for doing so would have been for the purposes of providing AoC service efficiently to mobile subscribers (column(s) 3, line(s) 29-34).

**Regarding claims 6 and 14.** Swale further teaches the call charge information sent creates a call charge account for the called subscriber in real time (col. 5, ln. 65-67).

**Regarding claims 7 and 15.** Swale further teaches the call charge information sent determines a threshold value with respect to an upper limit for the call charges to be taken over by the called subscriber (fig. 3, col. 5, ln. 41 to col. 6, ln. 20).

**Regarding claims 8 and 16.** Swale further teaches the call charge information sent indicates the call charges on a display device of the second terminal, while the telecommunication link is in existence (col. 8, ln. 26-34).

4. Claims 2-3 and 10-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over the grounds of rejection as applied to claims 1 and 9 above, and further in view of Lampola (6,668,052).

**Regarding claims 2 and 10.** The combination of Swale and Granberg teach the limitations of the previous claims. Swale further teaches that the call charge information is sent to the second telecommunication exchange (column(s) 6, line(s) 40 to column(s) 7, line(s) 35).

However, Swale and Granberg do not teach that the call charge information is sent to the second telecommunication exchange as APM ISUP message to utilize services and service attributes.

Lampola teaches the use of APM ISUP message in conjunction with call setup from the first exchange to the second exchange (col. 5, ln. 62 to col. 6, ln. 7).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Lampola into the teachings of Swale and Granberg. The motivation for doing so would have been to provide a new

type of method and system for signaling used for call setup that enable cooperation between different type of networks in a manner transparent to the user, so that the user will perceive it as consistent cooperation regardless of the system to which the terminal equipment is connected. (Lampola column 3 lines 5-15)

**Regarding claims 3 and 11.** Lampola further teaches the content of the APM ISUP message is determined by APPs (col. 5, ln. 62 to col. 6, ln. 7).

5. Claims 4-5 and 12-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over the grounds of rejection as applied to claims 3 and 11 above, and further in view of Fabritius et al (6,345,182).

**Regarding claims 4-5 and 12-13.** The combination of Swale, Granberg, and Lampola teach the limitations of the previous claims. Lampola further teaches the APPs comprise an application-independent part that includes information on the APM ISUP message (col. 5, ln. 62 to col. 6, ln. 7).

However, Swale, Granberg, and Lampola do not teach that the APPs comprise an application-dependent part that includes information on call charge information.

Fabritius teaches the APPs comprise an application-dependent part that includes information on call charge information (col. 6, ln. 14-26).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Fabritius into the teachings of Swale in view of Granberg and Lampola. The motivation for doing so would have been to provide method and system for the communication of tariff information from an

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external charge determination point to a mobile switching centre acting as charging point for a called mobile terminal, depending upon the classification of the call.

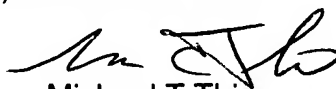
(Fabritius column 2 lines 27-32)

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael T. Thier whose telephone number is (571) 272-2832. The examiner can normally be reached on Monday thru Friday 8am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duc Nguyen can be reached on (571) 272-7503. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
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Michael T Thier  
Examiner  
Art Unit 2617  
1/8/2007